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THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: 016907-1603

In re patent application of

Shuitsu SATO et al.

Serial No.: 10/786,168

Group Art Unit: 1756

Filed: February 26, 2004

Examiner: John L. Goodrow

For: DEVELOPING AGENT AND IMAGE FORMING APPARATUS USING THE SAME

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated December 8, 2005, Applicants hereby provisionally elect the claims of Group I, claims 1-14, drawn to a developer, for prosecution in the subject application. This election is made **with traverse**.

The Office Action does not correctly characterize the subject matter of the respective groupings of claims. Rather than "product and process of use," as stated in the Office Action, the correct relationship between the subject matter of Group I and Group II is **subcombination and combination**. Claims 1-14 relate to a developer, whereas claims 15-22 are directed to an image forming apparatus that contains the developer. The definition of the developer in independent claim 15 is essentially the same as the definition of claim 1. Therefore, patentability of the combination claims depends on the particulars of the subcombination, and M.P.E.P § 806.05(c)(I) governs, i.e., the "inventions are not distinct and a requirement for restriction must not be made or maintained, even if the subcombination has separate utility."

Therefore, reconsideration and withdrawal of the restriction requirement are respectfully requested. Applicants believe that they are entitled to an Office Action on the merits of all of claims 1-22.

Receipt of the initial Office Action on the merits is awaited.

Respectfully submitted,

Date January 9, 2006

By 

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